

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORMAN GOTCHER, JR.,

Plaintiff,

v.

SCOTT A.W. JOHNSON, et al.,

Defendants.

CASE NO. C05-289-RSM

ORDER

The Court, having reviewed the Report and Recommendation of the Hon. Monica J. Benton, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendant's Motion to Dismiss is GRANTED;
- (3) Plaintiff's 42 U.S.C. §§ 1983 and 1985(3) action is DISMISSED without prejudice;
- (4) Plaintiff's Motion for Return of the \$250.00 filing fee is DENIED.
- (5) The Clerk is directed to send copies of this Order to Plaintiff, to Counsel for Defendants, and to the Hon. Monica J. Benton.

DATED this 6 day of February, 2006.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE